

# Notice of Allowability

Application No.

10/040,322

Examiner

Gary K Graham

Applicant(s)

JENG ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01 July 2004 interview.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 04 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 07012004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Gary K Graham  
Primary Examiner  
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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert J. Hess on 01 July 2004.

The application has been amended as follows:

#### In the Claims

In claim 3, line 26, delete the second occurrence of "and",  
line 31, after "gear", insert ---and mated to a surface of the body; and

first and second brush shafts, each distinct from said first and second gears, the protective plate having openings through which extend the first and second brush shaft, the first brush shaft extending from the first brush and operatively joining the first brush to the first gear, the second brush shaft extending from the second brush and operatively joining the second brush to the second gear---

In claim 4, line 11, before the third occurrence of "gear" insert ---first---,  
line 13, change "motor" to ---transition---,  
line 19, delete the second occurrence of "and;" ,  
line 23, , after the second occurrence of "gear", insert ---and mated to a surface of the  
body; and

first and second brush shafts, each distinct from said first and second gears, the  
protective plate having openings through which extend the first and second brush shaft,  
the first brush shaft extending from the first brush and operatively joining the first brush  
to the first gear, the second brush shaft extending from the second brush and operatively  
joining the second brush to the second gear---

Cancel claims 5 and 6.

### Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The claimed toothbrush member defines over the prior art. In addition to other limitations, the brush shafts have been set forth as distinct from their respective gears. Even if the flange (27) of Belaschk is considered to be a brush shaft, it is unitary with the gear (21) and not distinct therefrom. Also, the brush shafts have been set forth as operatively joining the brushes with their respective gears. The Hirabayashi toothbrush member is not so constructed. Additionally the protective plate has been set forth as mated to a surface of the body. The Blasi toothbrush has no such protective plate. This combination of structure, in addition to the numerous other claimed components is not fairly taught by the prior art.

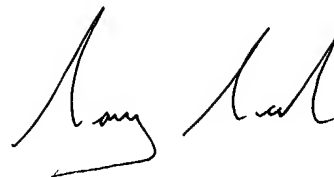
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary K. Graham', is positioned above the printed name.

Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
09 July 2004